LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant David Lakin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

#### **ROLL CALL**

Clerk KOEHS called the roll and the Board of Trustees was present.

# APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 5C3, 32C, 33C and 33D were added, item 13 was tabled to the meeting of December 27, 2006, and item 28 was changed from a pay certificate to a change order.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

**MOTION** carried.

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.

**MOTION** carried.

## APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on November 27, 2006 were reviewed and there were no additions, deletions or corrections.

# MOTION by BUCCI seconded by DUNN to approve the minutes of the meeting of November 27, 2006 as presented.

## **MOTION** carried.

# 5. Consent Agenda Items:

# A. Clerk's Department:

- 1. Request for Wall Sign Bond Release; Scrappin' and Stampin' Paradise; 21864 23 Mile Road, Parcel Number 08-23-100-029.
- 2. Request for Pathway Bond Release; Emerald Green Subdivision; Parcel Number 08-05-200-004.
- 3. Request for As Built Bond Release; Emerald Green Subdivision; Parcel Number 08-05-200-004.
- 4. Request for Landscape Bond Release; West Park Estates Subdivision; Parcel Number 08-04-300-005.
- 5. Request for Model Permit Bond Release; Rivers Estates Subdivision; Lot 2: 50970 Summit View Drive.
- 6. Request for As Built Bond Release; 23 Mile Road Sanitary Sewer Extension, Section 18; MA03-015. (This item was removed from the Consent Agenda)
- 7. Request for On-Site Paving Bond Release; The Retreat, Phase III; Parcel Number 08-24-300-013.
- 8. Request for Utilities Bond Release; The Retreat, Phase III; Parcel Number 08-24-300-013.
- 9. Request for Utilities Bond Release; The Retreat, Phase IV; Parcel Number 08-24-300-013.
- 10. Request for On-Site Paving Bond Release; The Retreat, Phase IV; Parcel Number 08-24-300-013.
- 11. Request for Paving Bond Release; Golfview Estates Subdivision; Parcel Number 08-25-301-001.
- 12. Request for Site Development Bond Release; Golfview Estates Subdivision; Parcel Number 08-25-301-001.
- 13. Request for Site Development Bond Release; Hall Road Office Building; Parcel Number 08-32-400-013.

# B. Department Monthly Reports:

- 1. Building Department
- 2. Fire Department
- 3. Macomb County Sheriffs Department
- 4. Parks and Recreation Department
- 5. Water/Sewer Department

# C. Human Resources Dept.

1. Request for a Leave Of Absence; Parks and Recreation Dept.

- 2. Request for a Leave Of Absence; Parks and Recreation Dept.
- 3. Request for a Leave Of Absence; Fire Department.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Consent Agenda as amended.

#### MOTION carried.

Item number 5A6 was reviewed by Supervisor BRENNAN and Engineer David Lakin regarding the amount of the original bond which was being recommended by the engineers to be returned to the developer.

MOTION by KRZEMINSKI seconded by BUCCI to approve the request for and 'As Built' Bond Release; 23 Mile Road Sanitary Sewer Extension, Section 18; MA03-015 in the amount of seventeen thousand eight hundred ninety two dollars and twenty cents (\$17,892.20).

## **MOTION** carried.

6. **Public Comments -** (3 minute time limit)

Mr. Paul Kozicki addressed the Board with his concerns about the quality of the waste hauling companies who might be bidding on the upcoming Single Waste Hauler contract.

## **PUBLIC HEARING**

7. Public Hearing for an Industrial Development District and Speculative Building; Quadrate Corporate Park Condominiums; Permanent Parcel Number 08-18-400-020.

The public Hearing was opened at 7:14 p.m. by Supervisor BRENNAN. Attorney Lawrence Dloski reviewed the matter and the special circumstances regarding the multiple units in the four proposed speculative buildings.

Mr. Michael D'Agostini, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by BUCCI seconded by KRZEMINSKI to close the Public Hearing at 7:17 P.M.

## **MOTION** carried.

MOTION by KRZEMINSKI seconded by DUNN to adopt the resolutions to approve the creation of the Industrial Development District and the Speculative Buildings as proposed.

AYES: KRZEMINSKI, DUNN NEVERS, BUCCI, MALBURG, KOEHS,

**BRENNAN** 

NAYS: NONE

Resolutions declared adopted. MOTION carried.

## **PLANNING**

8. Final Plan – Bridgewater Estates Condominiums Phase 1; Located south side of 24 Mile Road, ¼ mile east of Romeo Plank Road; MSC Land Development, LLC, Petitioner, Section 17, Permanent Parcel No. 08-17-201-002.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and indicated that this development was in compliance and further stated his recommendation of approval.

Ms. Stacey Cerget, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by BUCCI seconded by NEVERS to approve the Final Plan for Bridgewater Estates Condominiums Phase 1; Section 17, Permanent Parcel No. 08-17-201-002.

#### MOTION carried.

9. Revised Landscape Plan; Stoneridge Subdivision; Located on the east side of Fairchild Road, ¼ mile north of 21 Mile Road; Section 25, Permanent Parcel Number 08-25-427-009.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that the revised plan is in compliance and further stated his recommendation of approval.

MOTION by DUNN seconded by KRZEMINSKI to approve Revised Landscape Plan; Stoneridge Subdivision; Permanent Parcel Number 08-25-427-009.

#### MOTION carried.

10. Final Preliminary Plat; Stoneridge Subdivision; Located on the east side of Fairchild Road, ¼ mile north of 21 Mile Road; Section 25, Permanent Parcel Number 08-25-427-009.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and since the revised landscaping plan was just approved, the subdivision is now ready for Final Preliminary approval and further stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve Final Preliminary Plat; Stoneridge Subdivision; Section 25, Permanent Parcel Number 08-25-427-009. MOTION carried.

11. Final Plat; West Park Estates Subdivision; Located on the north side of 25 Mile Road approximately 975 feet east of Luchtman; Section 4, Parcel Number 08-04-300-005

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated that all departments have reviewed this and further stated his recommendation of approval.

Mr. Justin Reynolds, representing the petitioner, was also present to answer any questions which the Board might have.

MOTION by DUNN seconded by MALBURG to approve Final Plat; West Park Estates Subdivision; Section 4, Parcel Number 08-04-300-005

MOTION carried.

#### **NEW BUSINESS**

12. Request Authorization to initiate Condemnation Proceedings for an Easement regarding the Hayes Road & 23 Mile Road Water Main Project; MA98-026.

Mr. David Lakin, Engineering Consultant, reviewed this item regarding the difficulties in obtaining the easements necessary for this project, and further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the request for Authorization to initiate Condemnation Proceedings for an Easement regarding the Hayes Road & 23 Mile Road Water Main Project; MA98-026.

**MOTION** carried.

13. Request for a Temporary Sewer Connections; Rochelle Drive.

This matter was tabled to the meeting of December 27, 2006.

14. Proposed Revision to Bid Documents for the Single Waste Hauler Agreement.

Mr. Lawrence Dloski, Township Attorney, reviewed this matter and stated the technical reasons for these changes. He further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the proposed revisions to Bid Documents for the Single Waste Hauler Agreement.

#### **MOTION** carried.

15. Proposed Interlocal Agreement between Macomb Township and Chesterfield Township; Lot #30, Erb Industrial Park.

Supervisor BRENNAN reviewed this item and stated that Chesterfield Township has no issues with it and further stated his recommendation of approval.

MOTION by BUCCI seconded by MALBURG to approve the proposed Interlocal Agreement between Macomb Township and Chesterfield Township regarding Lot #30, Erb Industrial Park.

#### MOTION carried.

16. Assignment of Power Lease for Wireless Communication Tower; Water & Sewer Property.

Mr. Lawrence Dloski, Township Attorney, reviewed this item and stated that the Townships interests were protected and further stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the Assignment of Power Lease Agreement with Tower Asset Sub, LLC regarding the Wireless Communication Tower at the Water & Sewer Property.

#### MOTION carried.

17. Request for an Extension of Time; Temporary Certificate of Occupancy; North Macomb Professional Office Building, 15959 Hall Road, Permit Number PB05-0001.

Supervisor BRENNAN reviewed this item with Mr. Bob Beckett, Township Building Official, and after some discussion it was recommended that the certificate of occupancy be extended, but not for the normal time of 180 days.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request for an Extension of Time for the Temporary Certificate of Occupancy for the North Macomb Professional Office Building, 15959 Hall Road, Permit Number PB05-0001 for a period of ninety (90) days commencing on October 28, 2006.

## **MOTION** carried.

18. Request to Transfer a Liquor License; From Lek Dekaj to Insomnia, LLC.

Supervisor BRENNAN reviewed this item and indicated that after a review by Lt. Gary Paolella of the Macomb County Sheriff's Department and the receipt of a notice from the Michigan State Liquor Control Commission indicating that this license is suspended, He further stated his recommending that this request be denied.

MOTION by KRZEMINSKI seconded by BUCCI to deny the request to Transfer a Liquor License; From Lek Dekaj to Insomnia, LLC.

**MOTION** carried.

19. Request to Amend the Zoning Ordinance No. 10; Lot widths on Curved Streets.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and indicated that this will correct a problem that has been experienced in the development of several subdivisions and further stated his recommendation of approval.

MOTION by DUNN seconded by MALBURG to approve the request to Amend Zoning Ordinance No. 10; Article III, Section 10.0348, as follows:

Township Of Macomb Macomb County, Michigan Proposed Amendment of the Township of Macomb Zoning Ordinance Number 10

An ordinance amending the General Provisions Article to provide for the regulation of storage sheds and also provide for a minimum dimension for lot frontage adjoining culde-sacs in all zoning districts.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN ORDAINS:

## **Section 1. AMENDMENTS**

The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:

ARTICLE III, GENERAL PROVISIONS, SECTION 10.0348- Minimum lot frontage required on streets with curved segments shall be added to read:

In the case of lots with frontage on streets with curved segments such as a cul-de-sac street or a street that contains an eye-brow there shall be a minimum frontage dimension as measured at the front lot line on a curve as follows: Fifty-five (55) feet in the R-1 District; Sixty (60) feet in the R-1-E District and Sixty-five (65) feet all other zoning districts including AG, Office, Commercial and Industrial Districts.

## Section 2. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

## Section 3. <u>PUBLICATION</u>

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb within fifteen (15) days after its adoption.

## Section 4. EFFECTIVE DATE

This Ordinance shall take effect seven (7) days after publication.

# Section 5. CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 13<sup>th</sup> day of December, 2006, by the following vote of the members thereof:

AYES: DUNN, MALBURG, BUCCI, KRZEMINSKI, NEVERS, KOEHS, BRENNAN

NAYS: NONE

**MOTION** carried.

20. Request to Renew the dues for 2007 for the Clinton River Watershed Council.

Supervisor BRENNAN reviewed this item and stated that the Engineers indicate that the Clinton River Watershed Council provides very valuable information to them and stated his recommendation of approval of the renewal.

MOTION by KRZEMINSKI seconded by MALBURG to approve Request to Renew the dues for 2007 for the Clinton River Watershed Council in the amount of five thousand dollars (\$5,000.00).

**MOTION** carried.

#### PARKS AND RECREATION

21. Request to Run the Winter REACH Programs.

Sal DiCaro, Parks and Recreation Director, reviewed this item and indicated that this will not exceed a total cost of thirty thousand dollars (30,000.00) and further stated his recommendation of approval.

MOTION by DUNN seconded by BUCCI to approve the request to run the Winter REACH Programs.

MOTION carried.

22. Request to typeset, print and mail the Winter REACH Catalog.

Sal DiCaro, Parks and Recreation Director, reviewed this item and stated the total cost for all three portions of this project will be ten thousand ten dollars and seventy two cents (\$10,010.72) and further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by DUNN to approve the request to typeset, print and mail the Winter REACH Catalog for a total cost for all three portions of this project not to exceed ten thousand ten dollars and seventy two cents (\$10,010.72).

MOTION carried.

#### **HUMAN RESOURCES**

23. Request to Establish a New Position; Records Supervisor.

MOTION by KRZEMINSKI seconded by BUCCI to deny the request to Establish a New Position; Records Supervisor.

**MOTION** carried.

24. Request to Negotiate New Position with AFSCME Local 1917; Records Supervisor.

This issue was not discussed because item number 23 was not approved.

25. Request to Initiate Recruitment Process; Records Supervisor.

This issue was not discussed because item number 23 was not approved.

#### WATER AND SEWER DEPARTMENT

26. 23 Mile Road Sanitary Sewer, Contract No. 1; MA03-015; Pay Certificate No. 9.

Supervisor BRENNAN reviewed this item and stated his recommendation of approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve 23 Mile Road Sanitary Sewer, Contract No. 1; MA03-015; Pay Certificate No. 9 in the amount of thirty nine thousand two hundred nineteen dollars and seventy four cents (\$39,219.72).

**MOTION** carried.

27. 23 Mile Road Sanitary Sewer, Contract No. 1; MA03-015; Pay Change Order No. 2.

Supervisor BRENNAN reviewed this change order which reduces the total contract amount by thirteen thousand two hundred dollars (\$13,000.00) and further stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve 23 Mile Road Sanitary Sewer, Contract No. 1; MA03-015; Pay Change Order No. 2 as presented.

**MOTION** carried.

28. Thange Order No. 3, 23 Mile Road Water Main; MA02-007 and MA02-022.

Supervisor BRENNAN reviewed this change order increases the contract amount by ten thousand seven hundred dollars (\$10,700.00) and further stated his recommendation of approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve Change Order No. 3, 23 Mile Road Water Main; MA02-007 and MA02-022 as presented.

MOTION carried.

29. 23 Mile Road Water Main, Contract No. 1; MA04-013; Pay Certificate No. 5.

Supervisor BRENNAN reviewed this pay certificate and further stated his recommendation of approval.

MOTION by DUNN seconded by MALBURG to approve 23 Mile Road Water Main, Contract No. 1; MA04-013; Pay Certificate No. 5 in the amount of twenty nine thousand nine hundred forty five dollars and twenty nine cents (\$29,945.29).

MOTION carried.

30. 23 Mile Road Water Main, Contract No. 1; MA04-013; Change Order No. 2.

Supervisor BRENNAN reviewed this change order which reduces the amount of the contract by twenty five thousand six hundred dollars (\$25,600.00) and further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by DUNN to approve 23 Mile Road Water Main, Contract No. 1; MA04-013; Change Order No. 2 to decrease the total of the contract in the amount of twenty five thousand six hundred dollars (\$25,600.00).

**MOTION** carried.

31. Purchase Order - SLC Meter Service, Inc.

Supervisor BRENNAN reviewed this item and further stated his recommendation of approval.

MOTION by BUCCI seconded by MALBURG to approve Purchase Order - SLC Meter Service, Inc. for Water and Sewer components in the amount of seventy one thousand five hundred twenty one dollars (\$71,521.00).

**MOTION** carried.

#### **BOARD COMMENTS**

- 32. Supervisor Comments:
  - A. Request Authorization to allow the Planning Commission to conduct a Public Hearing to amend the Zoning Ordinance as it relates to the Town Center Code.

Supervisor BRENNAN reviewed this item and explained the reasons for the request. He further stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the request for authorization to allow the Planning Commission to conduct a Public Hearing to amend the Zoning Ordinance as it relates to the Town Center Code, Section 25.

# **MOTION** carried.

B. Recommendation Regarding a Probationary Fire Fighter.

Supervisor BRENNAN reviewed this item and explained the recommendation of the Fire Chief to terminate the probation of Daniel Grager. Mr. Daniel Grager, probationary Fire Fighter, addressed the Board and gave his comments on the matter. Supervisor BRENNAN further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by BUCCI to approve the recommendation from the Fire Chief and terminate the probation of probationary Fire Fighter Daniel Grager.

A roll call vote was requested.

AYES: KRZEMINSKI, BUCCI, DUNN, NEVERS, MALBURG, KOEHS,

BRENNAN.

NAYS: NONE

**MOTION** carried.

C. Request to Alter Grade, Proposed Target Store, Hall Road east of Heydenreich.

Supervisor BRENNAN reviewed this item with Mr. David Lakin, Township Engineering Consultant, and they indicated that this alter grade project was necessary for the continued development of the site and was in compliance with all requirements. He further stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve request to Alter Grade at the proposed Target Store, located on Hall Road east of Heydenreich Road.

## **MOTION** carried.

#### 33. Clerk Comments:

A. Request to Purchase 23 Used Voting Booths from Elections Systems & Software.

Clerk KOEHS reviewed this item and stated that these were good quality used booths that were ninety dollars (\$90.00) less expensive than new ones. Clerk KOEHS further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the request to purchase 23 Used Voting Booths from Elections Systems & Software for a total of three thousand one hundred five dollars (\$3,105.00).

# **MOTION** carried.

B. Request permission to dispose of 27 metal ballot transfer containers.

Clerk KOEHS reviewed this item and explained that since the statues have changed regarding ballot containers, we no longer need the heavy and awkward cans and we should offer them for sale or donate them to a community that might need them. He further stated his recommendation of approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request permission to dispose of 27 metal ballot transfer containers.

## **MOTION** carried.

C. Request to purchase a file cabinet for the Master Voter Registration Cards.

Clerk KOEHS reviewed this item and indicated that the current four cabinets are approaching the maximum capacity and another cabinet was needed to hold the new incoming master voter registration cards. He further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve Request to purchase a file cabinet for the Master Voter Registration Cards.

#### MOTION carried.

D. Request to approve the relocation of the Polling Place for Precincts 22 and 23, from St. Peter's Church and School to Sequoyah Elementary School.

Clerk KOEHS reviewed this item and that St. Peter's Church will not be available for special and odd-year elections, and we need to move this location to avoid voter confusion. He further stated his recommendation of approval.

**MOTION by NEVERS seconded by MALBURG to approve** Request to approve the relocation of the Polling Place for Precincts 22 and 23, from St. Peter's Church and School to Sequoyah Elementary School.

## **MOTION** carried.

34. Treasurer Comments: NONE

35. Trustees Comments: NONE

# **EXECUTIVE SESSION**

MOTION by BUCCI seconded by KRZEMINSKI to adjourn to Executive Session at 8:07 p.m.

#### MOTION carried.

The Board returned from Executive Session at 8:16

36. Macomb Township vs. Haley.

MOTION by KOEHS seconded by DUNN to authorize legal counsel to proceed as directed in Executive Session.

# **MOTION** carried.

37. Tee-J's Golf Course Property, Consent Judgment.

Informational Only

#### **ADJOURNMENT**

MOTION by DUNN seconded by NEVERS to adjourn the Board meeting at 8:18 p.m.

**MOTION** carried.

Respectfully submitted,	
John D. Brennan	-
Macomb Township Supervisor	
Michael D. Koehs, CMC Macomb Township Clerk	•